

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LA'SHAUN CLARK,

Plaintiff,

-against-

NEW YORK CITY HOUSING AUTHORITY;  
NEW YORK INSULATION &  
ENVIRONMENTAL SERVICES INC.; JLC  
ENVIRONMENTAL CONSULTANTS INC.,

Defendants.

ANALISA TORRES, United States District Judge:

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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 03/20/2024

24 Civ. 1625 (AT)

**ORDER OF SERVICE**

Plaintiff, who is appearing *pro se*, brings this action under the court's diversity of citizenship jurisdiction, asserting state law claims arising from her exposure to allegedly toxic substances in a New York City apartment. By order dated March 5, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. ECF No. 4.

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

To allow Plaintiff to effect service on Defendants New York City Housing Authority; New York Insulation & Environmental Services, Inc.; and JLC Environmental Consultants, Inc. through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### CONCLUSION

The Clerk of Court is instructed to issue summonses for New York City Housing Authority, New York Insulation & Environmental Services, Inc., and JLC Environmental Consultants, Inc.; complete the USM-285 form with the address for these defendants; and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is also instructed to mail an information package to Plaintiff.

SO ORDERED.

Dated: March 20, 2024  
New York, New York



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ANALISA TORRES  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. New York City Housing Authority  
NYCHA Law Department  
90 Church Street, 11th Floor  
New York, NY 10007  
Attn: Law Department/Service
2. New York Insulation & Environmental Services, Inc.  
58-48 59<sup>th</sup> Street  
Maspeth, NY 11378
3. JLC Environmental Consultants, Inc.  
243 W. 30<sup>th</sup> Street, Suite 701  
New York, NY 10001